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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/027,035

12/27/2001

Stephen D. Battaglini

PC-1053CIP

2118

23717 7590 04/18/2007  
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EXAMINER

BACKER, FIRMIN

ART UNIT

PAPER NUMBER

3621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/027,035

Applicant(s)

BATTAGLINI ET AL.

Examiner

FIRMIN BACKER

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-61 is/are pending in the application..
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 29<sup>th</sup>, 2007 has been entered.

### ***Preliminary Amendment***

2. A preliminary amendment was filed on March 16<sup>th</sup>, 2007
3. Claims 1-33 have been canceled.
4. Claims 34-61 have been added.
5. Claims 34-61 are pending and examined in this action.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 34-61 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 34-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper et al (U.S. PG Pub No. 2004/0139019 A1).

9. As per claim 34, Cooper teaches a method for sending cash money transfers (*24 hours money transfer system*) at anytime from anyone (*sender, 102, 502*) to a remotely located party (*receiver/recipient, 104, 504*), comprising providing a sender with available funds, the available funds being selected from one of: a credit card of the sender and a debit card of the sender, wherein the sender is adapted to be solely a human-sender (*see figs 1, 5, pps 0059-0062*) providing a recipient being remotely located from the sender, wherein the recipient is adapted to be solely a human-recipient (*see figs 1, 5, pps 0059-0062*); communicating an unplanned request for cash funds from the remotely located recipient to the sender (*see figs 1, 5, pps 0059-0062*); providing a toll free telephone number to a remotely located IVR(interactive voice response) system (*see pp 0066*), connecting the sender to the IVR(interactive voice response) system by a communication medium using the toll free telephone number, the communication medium being selected from one of a touchtone phone and a computer modem, the IVR system receives

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multiple simultaneous calls and prompts the sender to enter data, the IVR system processes the data in automated modes with software and converts the data to language of existing banks, processors, processing networks and clearing houses (*transaction database 812*), and the IVR system processes the transfer with transmission lines and electronic mediums (*see pps. 0081-0082*) ; providing a national bank escrow account for a Cash Card, the Cash Card having a magnetic stripe, wherein the Cash Card is solely used for paying out cash transfers; providing the recipient with a recipient-card (*computer readable medium, 512, 712*) having a magnetic stripe and a PIN number, the recipient-card being selected from one of: a credit card of the recipient, a debit card of the recipient, and the Cash Card with magnetic stripe solely for paying out cash transfers (*see fig 5, 7, pps 0068, 0089*), authorizing a transfer of cash to the recipient card by file sender entering responses to automated prompts from the remotely located IVR system, solely through the connection medium; transferring the cash from accessible funds of the sender to the recipient-card by the sender solely using the connection medium and the IVR system; providing a remotely located automated terminal, the terminal being selected from one of an ATM(automatic teller machine) ,and a POS(point of sale terminal); physically presenting the recipient-card by the recipient to fine remotely located automated terminal; and physically retrieving the cash by the recipient using the PIN number along with the recipient-card having the magnetic stripe at the remotely located automatic terminal (*see pps 0083-0094, 0101-0115*).

10. As per claims 35-61, they disclose the same inventive concept as claim 35 and their limitations do not further limit the scope of the invention. Moreover, their limitations are clearly taught in Cooper's disclosure. Therefore, they are rejected under the same rationale as claim 34.

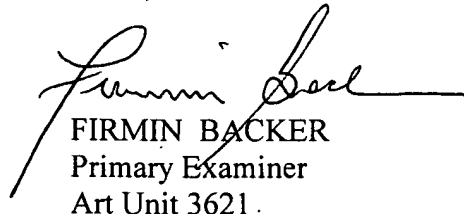
*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
FIRMIN BACKER  
Primary Examiner  
Art Unit 3621

April 15, 2007